

IT IS SO ORDERED.

Dated: 12:45 PM October 29 2010



**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:) CASE NO. 08-53443
)
LaLonnie M. Terry,) CHAPTER 13
)
DEBTOR) JUDGE MARILYN SHEA-STONUM
)
) **ORDER REQUIRING ATTORNEY
STEVEN H. PATTERSON AND AFFIANT
OLIVIA TODD TO APPEAR AND SHOW
CAUSE REGARDING THE ACCURACY
OF AFFIDAVIT OF DEFAULT**

On October 18, 2010, Steven H. Patterson ("Patterson"), counsel for U.S. Bank, N.A. fka Firststar Bank, N.A., filed an Affidavit of Default in the above-referenced case, concerning real property located at 874 South Jenkins Boulevard, Akron, OH 44306 (the "Affidavit"). The Affiant, Olivia Todd, states that "she/he is President of U.S. Bank, N.A. fka Firststar Bank, N.A. [and] in such job position she/he has custody of personal knowledge of the information in the accounts of said servicer." The Court found it curious that the President of a national bank with over \$250 million in assets was executing default affidavits. Upon further review, the Court does not believe that Ms. Todd is even employed by U.S. Bank, N.A. As such, the Court has serious doubts regarding the credibility of the Affidavit.

Based upon the foregoing, a show cause hearing shall be held on November 18, 2010 at 3:30 pm in Room 260, U.S. Courthouse and Federal Building, 2 South Main Street, Akron Ohio and *Attorney Patterson and Olivia Todd shall appear and show cause why this Affidavit should not be dismissed and why further sanctions should not be imposed pursuant to Rule 9011. Additionally, Ms. Todd is to provide the Court with an affidavit listing any and all bankruptcy cases in any United States Bankruptcy Court in which an affidavit or declaration has been filed that states that*

Ms. Todd is an officer or employee of U.S. Bank N.A., or any other insured depository institution.

#

cc:

via regular mail:

LaLonnie M. Terry

Olivia Todd
National Default Servicing Corporation
7720 N. 16th Street, Suite 300
Phoenix, AZ 85020

via ECF:

Steven H. Patterson Attorney for U.S. Bank, N.A. fka Firststar Bank, N.A.
Gregory J. Freeman Debtor's Attorney
Keith Rucinski Chapter 7 Trustee
United States Trustee

CERTIFICATE OF NOTICE

District/off: 0647-5
Case: 08-53443

User: meldr
Form ID: pdf755

Page 1 of 1
Total Noticed: 4

Date Rcvd: Oct 29, 2010

The following entities were noticed by first class mail on Oct 31, 2010.
db +LaLonnie Mae Terry, 874 S Jenkins Blvd, Akron, OH 44306-3605
+OLIVIA TODD, NATIONAL DEFAULT SERVICING CORP, 7720 N. 16TH ST., SUITE 300,
PHOENIX, AZ 85020-7404
cr first merit, III Cascade Plaza, Suite 3, Akron, OH 44308-1103

The following entities were noticed by electronic transmission on Oct 29, 2010.

cr +E-mail/PDF: rmscedi@recoverycorp.com Oct 30 2010 02:14:40
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605

TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr U.S. Bank Home Mortgage
cr U.S. Bank, N.A.

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 31, 2010

Signature:

